

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

NEIGHBORHOOD GROWTH LLC,

Appellant,

v.

Case No. 09-CV-00134

OFFICE OF THE US TRUSTEE,

Appellee.

ORDER

On February 2, 2009, the appellant, Neighborhood Growth LLC ("Neighborhood Growth"), filed a notice of appeal from an order of the United States Bankruptcy Court for the Eastern District of Wisconsin. (Docket #1). The following day, the clerk of this court notified the parties that time limits contained in Bankruptcy Rule 8009 would govern the briefing schedule in this case. (Docket #2). Rule 8009 provides that the "appellant shall serve and file his brief within fifteen days after entry of the appeal on the docket." Bankruptcy Rule 8009(a)(1). More than ten months have passed since the appellant filed the notice of appeal, and Neighborhood Growth has yet to submit a brief to this court. "The failure to file a required pleading or brief in a timely manner may be a ground for a dismissal of a [bankruptcy] appeal." *In re Scheri*, 51 F.3d 71, 73-74 (7th Cir. 1995) (citing Bankruptcy Rule 8001); see *also* Bankruptcy Rule 8001 ("Failure of an appellant to take any steps other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court . . . deems appropriate,

which may include dismissal of the appeal.”) Failure to comply with the directives of Rule 8009 “does not justify dismissal of the appeal under Rule 8009 absent a showing of bad faith, negligence, or indifference.” *In re Scheri*, 51 F.3d at 74. Here, there has been no explanation by the appellant to this court for the absence of any briefing on the matter, exemplifying extreme indifference toward prosecuting this action. As such, dismissal of the case is appropriate.


Accordingly,

IT IS ORDERED that this appeal be and the same is hereby **DISMISSED** with prejudice.

The clerk is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 7th day of December, 2009.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge